



CITY OF RICHLAND
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November 21, 2018

RE: Initiative Petition to Legalize Marijuana in Richland – Legal Invalidity

Dear Initiative Petition Sponsors:

Enclosed you will find the Richland City Clerk's Certificate of Sufficiency regarding the above-referenced petition. This document attests to the fact that your petition contained the requisite number of valid signatures per the Richland City Charter to be determined sufficient by the City Clerk.

All ordinances, resolutions and other legal documents requiring Council consideration are also reviewed for legal validity by the City Attorney's Office. Upon legal review of the above-referenced petition, I have determined that the petition includes a proposal that is not a lawful initiative subject.

Washington law is well-established on this issue. An ordinance is subject to the initiative process only if two conditions are met: 1) the ordinance must involve a legislative act; and 2) the power exercised in the initiative must be granted to the city as a corporate entity, and not to the legislative authority of the city. *Lince v. City of Bremerton*, 25 Wash.App. 309, 311 (1980)(citing *Leonard v. Bothell*, 87 Wash.2d 847 (1976)). Washington's general law grants and limits the zoning power to the legislative body of charter cities pursuant to RCW 35.63.110. *Id.*

Your petition fails the second prong of this two-part test. Therefore, I have recommended to the Richland City Council that the petition not proceed.

Respectfully,

Heather Kintzley
City Attorney